

FEB 22 2010

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February 16, 2010

**VIA EMAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

John F. Cermak, Jr.
direct dial: 310.442.8885
jcermak@bakerlaw.com

Mr. Stephen Tzhone, Remedial Project Manager
U.S. Environmental Protection Agency, Region 6
Superfund Division (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Ms. Barbara A. Nann, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 6
Superfund Division (6RC-S)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Unilateral Administrative Order for Remedial Investigation/Feasibility Study
("UAO"), San Jacinto River Waste Pits Site (the "Site") – Further Update
Regarding Respondents' Efforts to Obtain Access Agreements and Request for
Extension under Paragraph 83 of UAO

Dear Stephen and Barbara:

This letter is being submitted jointly on behalf of International Paper Company ("IPC") and McGinnes Industrial Maintenance Corporation ("MIMC"), as Respondents under the above-referenced UAO. As you know, Respondents' efforts to gain access for purposes of the UAO were described in the letter submitted on behalf of Respondents dated January 15, 2010 (the "January 15 Letter"), as well in as in their prior submission dated December 18, 2009. This letter serves to (1) provide you with an update regarding Respondents' further efforts to obtain access pursuant to the terms of the UAO, and (2) request a further extension of the deadline under Paragraph 82 of the UAO with respect to efforts to obtain access. With respect to the second item, Respondents have not yet received a response to the request, contained in the January 15 Letter, for an extension of that deadline to February 16, 2010.¹ In light of the additional progress made with respect to obtaining access for purposes of the UAO (as well as for the removal actions that Respondents contemplate undertaking), Respondents believe that a further extension – to April 1, 2010 - would be appropriate.

¹ The January 15 Letter requested an extension to February 15, 2010, but that date falls on a holiday, making the date February 16, 2010.



Update on Efforts to Obtain Access

The discussion below addresses each of the parties from which access agreements (or consents to access) are being sought for purposes of the UAO. They are: (1) the Port of Houston Authority ("PHA"); (2) the heirs of Virgil C. McGinnes (the "McGinnes Heirs"); and (3) Big Star Barge & Boat Company ("Big Star"). It also addresses efforts to obtain access from the Texas Department of Transportation ("TXDOT") related to removal actions at the Site that are not covered by the UAO.

PHA. The January 15 Letter stated that Respondents understood that a December 16, 2009 letter from PHA enclosed with Respondents' letter to EPA dated December 18, 2009 satisfied the requirements of the UAO with respect to obtaining access from PHA. The January 15 Letter asked that EPA advise Respondents if that understanding was incorrect. No objections have been raised to the PHA letter, and therefore, Respondents regard this aspect of the required access to have been addressed.

More recently, pursuant to a letter dated January 20, 2010, PHA granted Respondents additional access to construct a fence to restrict public access to the Site in waters of the San Jacinto River to a water depth of two (2) feet. By email dated January 21, 2010, PHA further agreed to the attachment of an updated map to the January 20, 2010 letter, showing the fence location. A copy of the January 20, 2010 letter granting access, together with the January 21, 2010 email and updated fence location map, are attached and marked as Exhibit 1. While the installation of the fence is not related to the work under the UAO, PHA has been notified of the upcoming work since the fence will be partially constructed on submerged property in which the PHA may have an ownership interest.

McGinnes Heirs. The developments described below have occurred with respect to obtaining consent for access from the McGinnes Heirs, which as EPA knows, deny that they have any ownership interest in the real property on which the waste pits are located. The developments are:

- As indicated in the January 15 Letter, Dolores McGinnes, Tammy McGinnes Idoux, and Holly McGinnes Boate retained the law firm of Adams & Reese to represent them with respect to this matter. Lori Warner of Adams & Reese advised Respondents on January 14, 2010 that she would review the access information provided to her and would contact Respondents the next week.
- A letter dated January 21, 2010 (indicating copies to Barbara Nann and Stephen Tzhone) was received by Respondents from Lori Warner, on behalf of Dolores Jean McGinnes.² The letter, a copy of which is attached as Exhibit 2, was also forwarded to Ms. Nann by email from MIMC's counsel, Albert Axe, on January 21, 2010. The letter confirms

² The January 15 Letter noted that Ms. Warner intended to provide a written statement to us regarding the reasons for her delay in responding on the issue of her clients' willingness to consent to access. To date, we have not yet received such a statement from Ms. Warner.

that Mrs. McGinnes consents to access to the property on which the waste pits were located on the same terms on which PHA has consented to access.

- The January 21, 2010 email to Ms. Nann by Mr. Axe noted that Respondents would seek confirmation that the other two McGinnes Heirs represented by Ms. Warner consented to access on the same terms. Mr. Axe spoke with Ms. Warner on January 22, 2010, and confirmed that Mrs. McGinnes' two daughters, Tammy Kim McGinnes Idoux and Holly Dawn McGinnes Boate, consented to access on the same basis as Mrs. McGinnes. On that same date, Mr. Axe advised Ms. Nann of his communications with Ms. Warner. That email noted that Ms. Warner intended to confirm the daughters' consent in writing, which she did by letter dated January 22, 2010, a copy of which was apparently sent directly to EPA by Ms. Warner. A copy of that letter is attached and marked as Exhibit 3 to this letter.
- As to the other two McGinnes Heirs, Tanya Gladfelter Ammons and Gary Gladfelter, the January 15 Letter discusses the fact that Respondents had hand-delivered to each of them a letter dated January 12, 2010 enclosing Gladfelter a Consent for Access to Property form (the "January 12 Letters").³ The consent form provided that they did not admit to ownership but did not object to entry by Respondents or EPA for purposes of the cleanup activities. Such consent form was prepared in response to Ms. Ammons' previous refusal to sign any agreement or form due to her belief that she did not have any ownership interest in the Site and in an effort to continue communications with her and with Mr. Gladfelter about the matter. Evidence of Ms. Ammon's receipt of the January 12 Letter is attached and marked as Exhibit 4. Evidence that the January 12 Letter was left at Mr. Gladfelter's residence in Seguin, Texas is attached and marked as Exhibit 5. Ms. Ammons and Mr. Gladfelter did not respond to the January 12 Letters, which again confirmed that the most efficient and expeditious way to obtain access from them would be to first negotiate a document with Ms. Warner of Adams & Reese and then seek to have Ms. Ammons and Mr. Gladfelter sign a similar document.
- After receiving Ms. Warner's letter of January 22, 2010 (authorizing access on behalf of Mrs. McGinnes and her two daughters), Respondents sent to Ms. Ammons and Mr. Gladfelter another letter explaining that other McGinnes Heirs had already provided a document that would allow Respondents and EPA to access the Site. Respondents' letter provided a copy of Ms. Warner's letter and offered Ms. Ammons and Mr. Gladfelter an opportunity to sign a similar document. Respondents also again offered in the letter to pay Ms. Ammons and Mr. Gladfelter their attorneys' fees up to \$2,500 each so that they could have the proposed access documents reviewed by an

³ The January 12 Letters are Exhibit 5 to the January 15 Letter.

attorney of their choosing. A copy of these letters, which are dated January 25, 2010, is attached and marked as Exhibit 6.

- With respect to Ms. Ammons, the following additional events took place:
 - On January 27, 28, and 29, 2010, Respondents attempted to contact Ms. Ammons by phone, each time leaving her a voicemail and requesting that she return the call.
 - On February 1, 2010, Respondents spoke with Ms. Ammons by telephone. During this conversation, Respondents again explained to Ms. Ammons why access is necessary and how Ms. Ammons could provide such access while still not admitting to any ownership. Respondents further discussed Ms. Warner's letter with Ms. Ammons and offered to prepare a similar letter for her to sign. Respondents also noted that Ms. Ammons was free to contact Barbara Nann or Stephen Tzhone regarding the matter and again provided her with contact information for each of them. Ms. Ammons ultimately provided Respondents with the name and number for her attorney, Jason Ostrom of Ostrom Sain, LLP.
 - On February 1, 2010, Respondents contacted Mr. Ostrom and discussed the matter with him by telephone. Respondents also emailed Mr. Ostrom later that day to provide him with scanned copies of previous correspondence sent to Ms. Ammons. Additionally, Respondents prepared and provided to Mr. Ostrom a letter that has substantially similar language to that of Ms. Warner's letter, which Ms. Ammons could choose to sign as an alternative to the consent form or access agreement previously prepared for her. Copies of these documents are attached and marked as Exhibit 7.
 - On February 3 and 4, 2010, Respondents attempted to contact Mr. Ostrom and left him messages via voicemail and email.
 - On February 5, 2010, Mr. Ostrom contacted Respondents, advising that he expected Ms. Ammons to sign both the consent form and the letter so that Respondents could choose which document to use. Mr. Ostrom further advised that he expected to receive the signed documents any day and that he would promptly forward them to Respondents upon receipt.
 - On February 9, 2010, Mr. Ostrom contacted Respondents, advising that he received the signed documents from Ms. Ammons. However, Mr. Ostrom also advised that Ms. Ammons called Mr. Ostrom and requested that he not forward the signed documents to Respondents because she had received a call from Dolores McGinnes in which ownership of the Site was again questioned. Mr. Ostrom stated that he would advise Ms. Ammons that she should authorize him to forward the

documents to Respondents regardless of any new information she may have regarding ownership. Mr. Ostrom advised that he would contact Respondents once he has discussed the matter with Ms. Ammons. To date, Respondents have not received an update from Mr. Ostrom.

- With respect to Mr. Gladfelter, the following additional events occurred:
 - On January 28, 2010, Respondents retained a private investigator, Scott Glazenor of J. Scott Glazenor Investigations, to make an in-person visit with Mr. Gladfelter at Mr. Gladfelter's residence. Respondents provided Mr. Glazenor with certain information regarding the matter, including copies of previous correspondence sent to Mr. Gladfelter, a copy of the consent form, and, as an alternative to the consent form, a letter prepared by Respondents with language substantially similar to that in Ms. Warner's letter for Mr. Gladfelter to sign. Mr. Glazenor advised that he would go to Mr. Gladfelter's house with these documents the next morning.
 - On January 29, 2010, Mr. Glazenor advised Respondents that he went to Mr. Gladfelter's house but that Mr. Gladfelter was not home. Mr. Glazenor advised that he spoke with one of Mr. Gladfelter's neighbors, who stated that Mr. Gladfelter had recently moved out of his house but would periodically come back to check on the house. After further research, Mr. Glazenor found an additional address for Mr. Gladfelter, starting in December 2009, at an RV park in Seguin, Texas. Respondents requested that Mr. Glazenor go to the RV park to speak with Mr. Gladfelter the next day.
 - On January 30, 2010, Mr. Glazenor advised that he had gone to the RV park and spoken with Mr. Gladfelter. Mr. Glazenor further advised that Mr. Gladfelter would not sign any documents but said he would call Mr. Glazenor after he had reviewed the documents further. Respondents asked Mr. Glazenor to make another attempt to ask Mr. Gladfelter to either sign the consent form or letter or contact Respondents to discuss the matter further.
 - On February 1, 2010, both Ms. Ammons and Mr. Ostrom inquired about Respondents' communications with Mr. Gladfelter. Both Ms. Ammons and Mr. Ostrom, separately, indicated their belief that Mr. Gladfelter would not cooperate with Respondents or EPA in any manner. Respondents were advised that these beliefs were based upon previous dealings with Mr. Gladfelter.
 - On February 2, 2010, Mr. Glazenor advised that he received a phone call from Mr. Gladfelter during which Mr. Gladfelter said that he would not sign any documents. Mr. Glazenor further

advised that Mr. Gladfelter requested that Respondents make no further efforts to contact him. Later that day, Mr. Glazenor provided Respondents with a written report of his work, a copy of which is attached and marked as Exhibit 8.

Big Star: On January 13, 2010, shortly before the January 15 Letter was submitted, and after learning of the discussions that had taken place between EPA and Jay Roberts of Big Star regarding access, a letter was sent to Mr. Roberts providing him with a revised access agreement addressing concerns he had raised, together with a "simplified" form of access agreement based on the Model Access Agreement provided to us by Barbara Nann. A copy of that letter and enclosures was enclosed with the January 15 Letter. Respondents have been in regular contact with Mr. Roberts since the submission of the January 15 letter. Additional efforts to obtain access to the Big Star property include the following:

- In response to the January 13, 2010 letter, Mr. Roberts requested copies of real property descriptions to be attached to the access agreements and also advised that the proposed agreements had been provided to the company's counsel for review. The property descriptions and a map showing the proposed location of construction activities were provided to him by MIMC's counsel. On January 19, 2010, MIMC's counsel, Mr. Axe, sent an email to Mr. Roberts to confirm his receipt of the property descriptions and map and to ask about the status of the access agreements. A copy of that email message is attached and marked as Exhibit 9.
- On January 21, 2010, Respondents spoke with Mr. Roberts, who advised that he was still awaiting comments from his attorney and that he wanted to contact Barbara Nann that afternoon to discuss the matter. Mr. Roberts further advised that he would contact us soon after his discussion with Ms. Nann and after receipt of comments from his attorney.
- On January 25, 2010, Respondents called Mr. Roberts for an update and left a voicemail message for him requesting that he return the call.
- On January 27, 2010, MIMC's counsel sent a follow-up email to Mr. Roberts, asking about the status of the access agreement. A copy of that email, a copy of which was sent to Ms. Nann, is attached and marked as Exhibit 10.
- On January 27, 2010, Mr. Axe also spoke with Mr. Roberts. Mr. Roberts told Mr. Axe that, based on his discussions with Ms. Nann of EPA, he was concerned about Respondents' claims regarding Big Star's responsibility for contamination associated with the Site, and was unwilling at this time to provide access, as requested, for purposes of the UAO. He did, however, state that he was prepared to consent to more limited access for purposes of the removal actions. Mr. Roberts also noted that he had discussed Big Star's position with Ms. Nann and that he understood that EPA was amenable to this approach. Based on

conversations with Barbara Nann, it is Respondents' understanding that such phased consent would satisfy EPA's requirements regarding access. If this understanding is incorrect, please advise us as soon as possible.

- The consent for access by Big Star was then revised, consistent with the above, and was sent to Mr. Roberts via an email from MIMC's counsel dated January 29, 2010.
- On February 2, 2010, Mr. Roberts confirmed his receipt of the revised form and advised that his legal counsel would review the revised form.
- On February 8 and 9, 2010, Respondents emailed and called Mr. Roberts to inquire about the status of his attorney's review.
- On February 10, 2010, Respondents spoke with Mr. Roberts, who had a number of questions regarding the proposed consent form. Respondents reviewed Mr. Roberts' questions and provided him with a revised consent form which addressed his concerns.
- On February 11, 2010, Respondents again spoke with Mr. Roberts, who had additional comments regarding the consent form. Respondents provided Mr. Roberts with another copy of the consent form, and again revised the consent form to address his comments. Later that day, Mr. Roberts sent Respondents an executed copy of the consent form, which Respondents then forwarded via email to Barbara Nann. A copy of that consent to access is attached, together with a copy of the email, and marked as Exhibit 11. The email requested that EPA advise Respondents if it had any objections to the form of the consent.

TXDOT. Access from TXDOT is not required for purposes of the UAO, but is being sought for purposes of the removal actions contemplated at the Site. We have previously advised you of ongoing discussions with TXDOT personnel and counsel regarding the need for access for purposes of constructing a fence to limit access and to construct a road needed for the removal action activities. On February 5, 2010, MIMC's counsel received a draft License Agreement from TXDOT. On February 12, 2010, comments on the draft License Agreement were provided to TXDOT's counsel, in anticipation of discussions with him this week (he was out of the office last week). In the meantime, Respondents have been working on the preparation of surveys showing the location of fences on both the West Bank of the San Jacinto River next to the Site and on the East Bank of the San Jacinto River, across the river from the Site, as well as the road and details regarding the construction of the fences and road that will be attached as exhibits to the License Agreement.

Extension Request

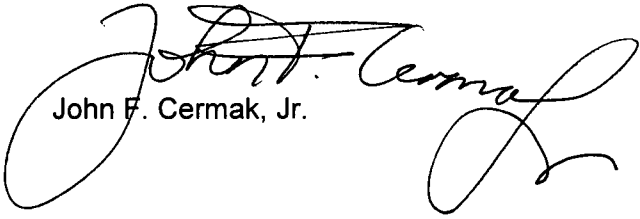
In response to comments made by Ms. Nann during a call in early January, the January 15 Letter included a request to extend the deadline under the UAO for

obtaining access or using best efforts to do so to February 16, 2010.⁴ As noted above, we are not aware of any response to the extension request, but are hereby asking that the time period be extended to April 1, 2010 so that the additional steps necessary to attempt secure access, as detailed above, can be completed. We believe that this extension is appropriate based on the current schedule for beginning the RI/FS work under the UAO.

Thank you for your consideration of the information provided in this letter and your consideration of Respondents' request for an extension to April 1, 2010.

If you have any questions regarding this matter, please do not hesitate to contact MIMC's counsel, Albert Axe at (512) 370-2806 or me at (310) 442-8885.

Sincerely,


John F. Cermak, Jr.

Enclosures

cc: Al Axe

⁴ See footnote 1.

EXHIBIT 1

PORT OF HOUSTON AUTHORITY

EXECUTIVE OFFICES: 111 EAST LOOP • HOUSTON, TEXAS 77029-4327
MAILING ADDRESS: P.O. BOX 2562 • HOUSTON, TEXAS 77252-2562
TELEPHONE: (713) 670-2400 • FAX (713) 670-2429



Linda Henry
ASSOCIATE GENERAL COUNSEL
(713) 670-2663

January 20, 2010

VIA EMAIL

Mr. Albert R. Axe, Jr.
Winstead PC
401 Congress Avenue
Suite 2100
Austin, TX 78701
aaxe@winstead.com

Re: San Jacinto River Waste Pits-Access Agreement

Dear Mr. Axe:

This letter is an addendum to our letter to you of December 16, 2009 relating to entry onto the Site by Grantees. Plans are currently being made to erect a fence to restrict public access to the Site; these plans provide for the fence to be partially erected in the waters of the San Jacinto River; more specifically, until a water depth of 2' is reached. Attached is a drawing that outlines the planned location of the fence.

The Port of Houston Authority ("PHA") has been asked whether it has any objection to construction of the fence into the water as outlined on the attached drawing. To the extent that the PHA has any interest in the submerged sediments in the San Jacinto River, it has no objection to construction of the fence as planned and outlined on the attached drawing, subject to the same conditions and limitations set forth in its letter to you of December 16, 2009. Grantees may contact Garry McMahan in the PHA's Channel Development Department at 713-670-2594 for additional information or if they have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Linda Henry".

Linda Henry

Attachment

cc: Ms. Barbara Nann
U.S. EPA, Region 6
Office of Regional Counsel
Superfund Branch (6RC-S)
1445 Ross Avenue
Dallas, TX 75202-2733
Nann.Barbara@epamail.epa.gov

Mr. Stephen Tzhone
U.S. EPA, Region 6
1445 Ross Avenue
Suite 1200
Mail Code: 6SF-RA
Dallas, TX 75202-2733
tzhone.stephen@epamail.epa.gov

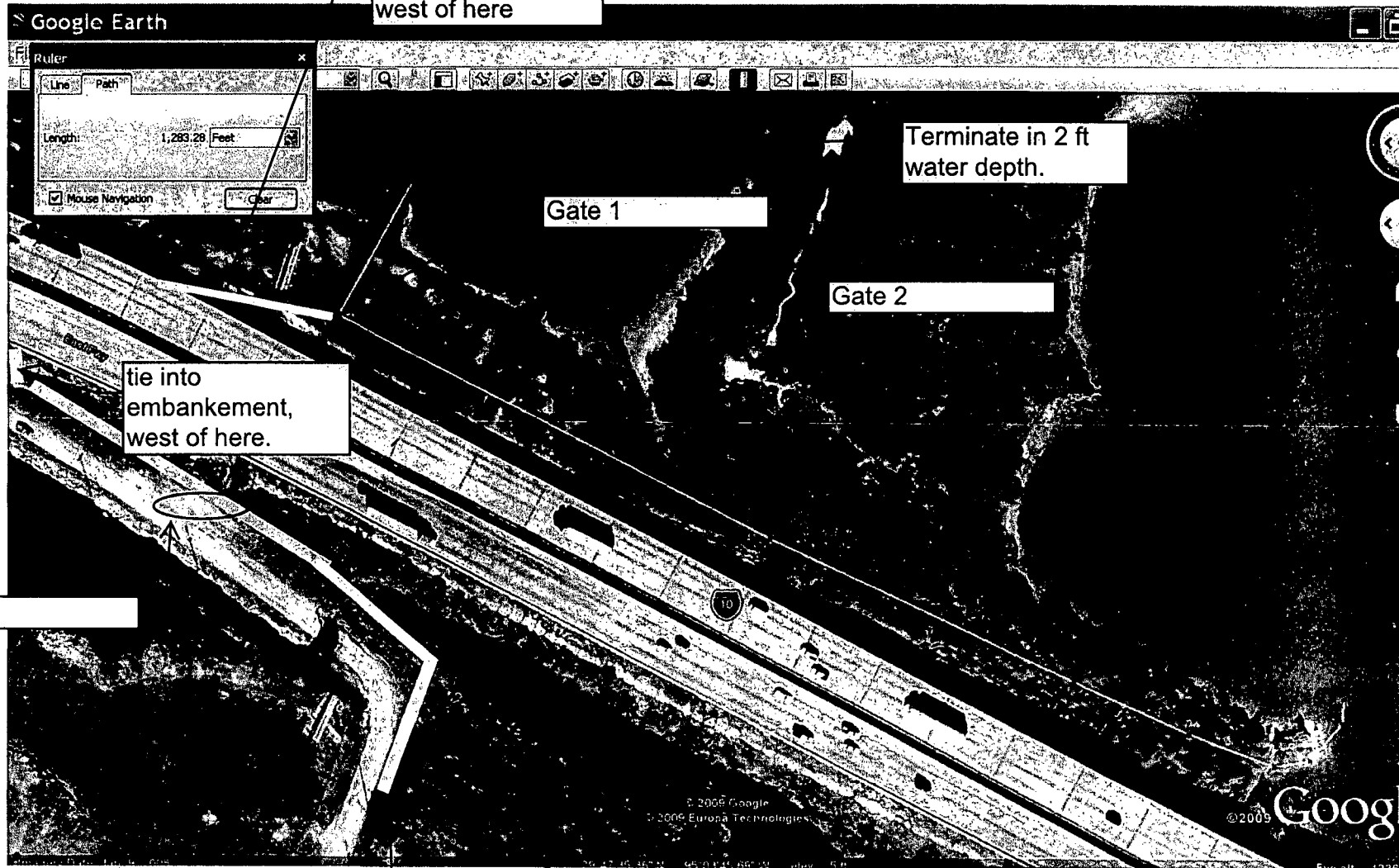
Mr. Francis E. Chin
McGinnes Industrial Maintenance Corporation
1001 Fannin Street, Suite 4000
Houston, TX 77002

Mr. John F. Cermak, Jr.
Baker Hostetler
12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7120
jcermak@bakerlaw.com

Snehal Patel
Harris County Attorney's Office
Snehal.Patel@cao.hctx.net

OPTION 1

tie into
embankment,
west of here



Terminate in 2 ft
water depth.

Gate 1

Gate 2

tie into
embankment,
west of here.

Gate 3

Proposed Fence Layout

tie into existing 6'
fence.

From: Linda Henry [mailto:lhenny@poha.com]

Sent: Thursday, January 21, 2010 9:16 AM

To: Axe, Al

Cc: nann.barbara@epamail.epa.gov; tzhone.stephen@epamail.epa.gov; jcermak@bakerlaw.com;
snehal.patel@cao.hctx.net

Subject: RE: Addendum to PHA Letter of 12-16-2009

Al,

Thank you again for providing the updated map. I checked with our business folks, and they did not have this version either. Please do substitute the updated map for the map attached to the PHA's letter of January 20, 2010.

Linda

Associate General Counsel
Port of Houston Authority
111 East Loop North
Houston, TX 77029
713-670-2663
lhenny@poha.com

2/15/2010

EXHIBIT 2



January 21, 2010

Attorneys at Law

Baton Rouge
Birmingham
Houston
Jackson
Mobile
Nashville
New Orleans
Washington, DC

Lori Warner

Direct (713) 308-0377
E-Fax (713) 308-4089
lori.warner@arlaw.com

Mr. Albert R. Axe, Jr.
Winstead PC
401 Congress Avenue
Suite 2100
Austin, TX 78701

Re: San Jacinto River Waste Pits

Dear Mr. Axe:

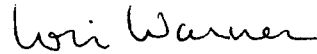
We have been retained as counsel to Ms. Dolores Jean McGinnes in connection with your request for access to a certain portion of the property identified by U.S. Environmental Protection Agency (EPA) as the San Jacinto River Waste Pits Superfund Site (Site). You have requested consent to access from Ms. McGinnes as a purported heir to the owner of record, Virgil C. McGinnes, Trustee. It is Ms. McGinnes' understanding and belief that neither she nor any of the Virgil McGinnes heirs holds any ownership interest in the Site; rather, the property was held in trust by Virgil McGinnes for the benefit of McGinnes Industrial Maintenance Corporation. Ms. McGinnes is undertaking further investigation into the ownership and we will advise you of the results.

In the interim, Ms. McGinnes does not object to the work that the U.S. EPA has asked you to perform under the Unilateral Administrative Order for Remedial Investigation/ Feasibility Study (Order) filed on November 20, 2009 in the matter of the San Jacinto River Waste Pits Superfund Site, Pasadena, Texas, U.S. EPA Region 6, CERCLA Docket No. 06-03-10. Accordingly, to the extent that Ms. McGinnes has any ownership interest in the Site, she does not object to entry onto the Site by (i) International Paper Company, Inc. and McGinnes Industrial Maintenance Corporation (Respondents) and their consultants, contractors, agents, and employees; or (ii) the U.S. EPA and its contractors and oversight officials ((i) and (ii) collectively referred to as Grantees), for the purpose of performing the work identified in the Order. Ms. McGinnes understands that Respondents are not EPA's representatives with respect to any liability associated with Site activities. However, in relation to Ms. McGinnes, any liability arising from work performed by Grantees at the Site is at their sole risk. Nothing in this letter is to be construed as a waiver of any rights of Ms. McGinnes in connection with the Site or any actions by Grantees.

Mr. Albert Axe, Jr.
January 21, 2010
Page 2

Please feel free to call if you have questions or need further information.

Very truly yours,



Lori Warner

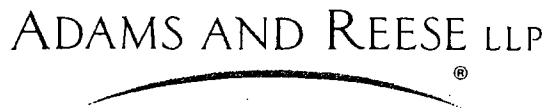
cc: Ms. Barbara Nann
U.S. EPA, Region 6
Office of Regional Counsel
Superfund Branch (6RC-S)
1445 Ross Avenue
Dallas, TX 75202-2733
Nann.Barbara@epamail.epa.gov

Mr. Stephen Tzhone
U.S. EPA, Region 6 (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Tzhone.stephen@epamail.epa.gov

Mr. Francis E. Chin
McGinnes Industrial Maintenance Corporation
1001 Fannin Street, Suite 4000
Houston, TX 77002
fchin@wm.com

Mr. John F. Cermak, Jr.
Baker Hostetler
12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7120
jcermak@bakerlaw.com

EXHIBIT 3



Attorneys at Law

Baton Rouge
Birmingham
Houston
Jackson
Mobile
Nashville
New Orleans
Washington, DC

January 22, 2010

Lori Warner

Direct (713) 308-0377
E-Fax (713) 308-4089
lori.warner@arlaw.com

Via email aaxe@winstead.com

Mr. Albert R. Axe, Jr.
Winstead PC
401 Congress Avenue
Suite 2100
Austin, TX 78701

Re: San Jacinto River Waste Pits

Dear Mr. Axe:

We have been retained as counsel by Ms. Dolores McGinnes, on behalf of herself, Tammy McGinnes Idoux, and Holly McGinnes Boate, (collectively, McGinnes Family) in connection with your request for access to a certain portion of the property identified by U.S. Environmental Protection Agency (EPA) as the San Jacinto River Waste Pits Superfund Site (Site). You have requested consent to access from the McGinnes Family as purported heirs to the owner of record, Virgil C. McGinnes, Trustee. It is the McGinnes Family's understanding and belief that neither the McGinnes Family nor any other of the Virgil McGinnes heirs holds any ownership interest in the Site; rather, the property was held in trust by Virgil McGinnes for the benefit of McGinnes Industrial Maintenance Corporation. The McGinnes Family is undertaking further investigation into the ownership and we will advise you of the results.

In the interim, the McGinnes Family does not object to the work that the U.S. EPA has asked you to perform under the Unilateral Administrative Order for Remedial Investigation/ Feasibility Study (Order) filed on November 20, 2009 in the matter of the San Jacinto River Waste Pits Superfund Site, Pasadena, Texas, U.S. EPA Region 6, CERCLA Docket No. 06-03-10. Accordingly, to the extent that the McGinnes Family has any ownership interest in the Site, they do not object to entry onto the Site by (i) International Paper Company, Inc. and McGinnes Industrial Maintenance Corporation (Respondents) and their consultants, contractors, agents, and employees; or (ii) the U.S. EPA and its contractors and oversight officials ((i) and (ii) collectively referred to as Grantees), for the purpose of performing the work identified in the Order. The McGinnes Family understands that Respondents are not EPA's representatives with respect to any liability associated with Site activities. However, in relation to the McGinnes Family, any liability arising from work performed by Grantees at the Site is at their sole risk.

Mr. Albert Axe, Jr.
January 22, 2010
Page 2

Nothing in this letter is to be construed as a waiver of any rights of the McGinnes Family in connection with the Site or any actions by Grantees.

Please feel free to call if you have questions or need further information.

Very truly yours,

Lori Warner

Lori Warner

cc: Ms. Barbara Nann
U.S. EPA, Region 6
Office of Regional Counsel
Superfund Branch (6RC-S)
1445 Ross Avenue
Dallas, TX 75202-2733
Nann.Barbara@epamail.epa.gov

Mr. Stephen Tzhone
U.S. EPA, Region 6 (6SF-RA)
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Dallas, TX 75202-2733
Tzhone.stephen@epamail.epa.gov

Mr. Francis E. Chin
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Houston, TX 77002
fchin@wm.com

Mr. John F. Cermak, Jr.
Baker Hostetler
12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7120
jcermak@bakerlaw.com

EXHIBIT 4



Houston Express, Inc.
P.O. Box 70349 • Houston, Texas 77270

PHONE
713/869-0100
FAX
713/869-7152

CUSTOMER NUMBER 67098-78		DATE 1/13/09	CONTROL NUMBER 3039914			
<input checked="" type="checkbox"/> PREPAID	<input type="checkbox"/> COLLECT	<input type="checkbox"/> SCHEDULED RUN	<input type="checkbox"/> REGULAR 4% HR	<input checked="" type="checkbox"/> HOTSHOT 2% HR	<input type="checkbox"/> EXPRESS 1% HR	<input type="checkbox"/> SUPER (ASAP)
NAME BAKER & HOSTETTLER LLP			NAME Tama Glad Felter Ammons			
ADDRESS 1000 LOUISIANA SUITE 2000			ADDRESS 218 Dogwood St.			
CITY HOUSTON TX 77002			CITY Lake Jackson, TX 77566			
ATTN: John Conmale 7106			ATTN:			
Return Station by 4:30 PM						
NOT RESPONSIBLE FOR DELIVERY AFTER 7:00 PM NOT RESPONSIBLE FOR DELIVERY ON MONDAY			NOT RESPONSIBLE FOR DELIVERY ON MONDAY AFTERNOON			
RECEIVED BY X Ammons		TIME 2:50	PRINTED NAME		WAITING TIME CHARGES RETURN OF RECEIPT OR DISCREPANCY 87.50	
DRIVER #1 2122		DRIVER #2				

FOR SERVICE TO AREAS WITH TRAFFIC, PLEASE ALLOW 10 MINUTES ADDITIONAL DRIVING TIME PER ZONE.
FOR OUT OF TOWN, LONG DISTANCE, AND PEAK TRAFFIC ALLOW ADDITIONAL TIME OR CONSULT OFFICE.

ORIGINAL

Attn:
Melva
Stores

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tanya Gladfelter Ammons
218 Dogwood Street
Lake Jackson, TX 77566-4510

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Ammons

C. Date of Delivery

1-16-10

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2510 0004 0567 5590

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal ServiceTMCERTIFIED MAILTM RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage

\$

1.05

Certified Fee

2.80

Return Receipt Fee
(Endorsement Required)

2.30

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

6.15

Sent To

Tanya Gladfelter Ammons

Street, Apt. No.,

or PO Box No. 218 Dogwood Street

City, State, ZIP+4

Lake Jackson, TX 77566-4510

PS Form 3800, June 2002

See Reverse for Instructions

7004 2510 0004 0567 5590

EXHIBIT 5

Gass, Mona

From: ausadmin@dtrac.net
Sent: Wednesday, January 13, 2010 1:07 PM
To: Nguyen, Ly
Subject: POD for Control Number 244845

ATTN: LY NGUYEN

CTRL: 244845 ORDER DATE: 1/13/10 SERVICE TYPE: 4 HOUR
CUST: 2300 WINSTEAD PC REF: 48434-1

PU: WINSTEAD PC DL: GARY GLADFELTER
401 CONGRESS AVE 169 CASTLE BREEZE DRIVE
AUSTIN TX 78701 SEGUIN TX 78155
RM:2100

TO SEE: GARY GLADFELTER

DEL DATE: 1/13/10 TIME: 15:05 SIGN: LEFT N DOOR PER ALLEY

EXHIBIT 6

401 Congress Avenue
Suite 2100
Austin, Texas 78701

512.370.2800 OFFICE
512.370.2850 FAX
winstead.com

January 25, 2010

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ms. Tanya Gladfelter Ammons
218 Dogwood Street
Lake Jackson, Texas 77566-4510

Re: San Jacinto River Waste Pits (the "Property") --
**TIME SENSITIVE: UPDATE TO REQUEST FOR CONSENT
FOR ACCESS TO PROPERTY**

Dear Ms. Ammons:

As you know, we represent McGinnes Industrial Maintenance Corporation (MIMC) regarding the above Property. This is a follow-up to our previous letter to you dated December 7, 2009 and to the letter provided to you by Baker & Hostetler LLP, counsel for International Paper Company (IPC), dated January 12, 2010, regarding our request for your consent for access to the Property.

At the same time we first contacted you, we also contacted with Ms. Dolores McGinnes and her daughters, Ms. Tammy Idoux and Ms. Holly Boate, regarding access to the Property. Ms. McGinnes and her daughters have since hired the attorneys of Adams and Reese, LLP to represent them in this matter. On January 22, 2010, we received a letter from Ms. Lori Warner of Adams and Reese (a copy of which is attached), which states that Ms. McGinnes and her daughters do not admit ownership of the Property but, to the extent they may have ownership, they do not object to access to the Property by MIMC, IPC, and U.S. Environmental Protection Agency (EPA) to perform the work required by EPA to cleanup the Property.

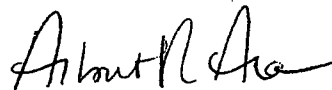
While we understand that you do not believe you hold any ownership interest in the Property, we ask that you sign a statement indicating that you do not object to access to the Property similar to that provided by the attorney for Ms. McGinnes and her daughters. If you wish, we would be happy to prepare a statement similar to the attached letter from Adams and Reese for your signature. Alternatively, you may use either of the other two forms (the Access Agreement or the Consent for Access to the Property) we previously provided to you.

Ms. Tanya Gladfelter Ammons
January 25, 2010
Page 2

As mentioned in the January 12 letter from Baker & Hostetter, if you want to first consult with an attorney, we will pay up to \$2,500 in attorney's fees. However, due to deadlines established by EPA, it is important that we have a written consent from you by January 31, 2010.

Please call me as soon as possible so we can discuss this further. You may reach me at 512-370-2806. You are also welcome to contact Barbara Nann at the United States Environmental Protection Agency at (214) 665-2157 or nann.barbara@epa.gov.

Respectfully,

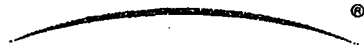
A handwritten signature in black ink, appearing to read "Albert R. Axe, Jr.", written in a cursive style.

Albert R. Axe, Jr.

Enclosure

cc: Barbara Nann (with enclosure)

ADAMS AND REESE LLP



January 22, 2010

Attorneys at Law

Baton Rouge
Birmingham
Houston
Jackson
Mobile
Nashville
New Orleans
Washington, DC

Lori Warner

Direct (713) 308-0377
E-Fax (713) 308-4089
lori.warner@arlaw.com

Via email aaxe@winstead.com

Mr. Albert R. Axe, Jr.
Winstead PC
401 Congress Avenue
Suite 2100
Austin, TX 78701

Re: San Jacinto River Waste Pits

Dear Mr. Axe:

We have been retained as counsel by Ms. Dolores McGinnes, on behalf of herself, Tammy McGinnes Idoux, and Holly McGinnes Boate, (collectively, McGinnes Family) in connection with your request for access to a certain portion of the property identified by U.S. Environmental Protection Agency (EPA) as the San Jacinto River Waste Pits Superfund Site (Site). You have requested consent to access from the McGinnes Family as purported heirs to the owner of record, Virgil C. McGinnes, Trustee. It is the McGinnes Family's understanding and belief that neither the McGinnes Family nor any other of the Virgil McGinnes heirs holds any ownership interest in the Site; rather, the property was held in trust by Virgil McGinnes for the benefit of McGinnes Industrial Maintenance Corporation. The McGinnes Family is undertaking further investigation into the ownership and we will advise you of the results.

In the interim, the McGinnes Family does not object to the work that the U.S. EPA has asked you to perform under the Unilateral Administrative Order for Remedial Investigation/ Feasibility Study (Order) filed on November 20, 2009 in the matter of the San Jacinto River Waste Pits Superfund Site, Pasadena, Texas, U.S. EPA Region 6, CERCLA Docket No. 06-03-10. Accordingly, to the extent that the McGinnes Family has any ownership interest in the Site, they do not object to entry onto the Site by (i) International Paper Company, Inc. and McGinnes Industrial Maintenance Corporation (Respondents) and their consultants, contractors, agents, and employees; or (ii) the U.S. EPA and its contractors and oversight officials ((i) and (ii) collectively referred to as Grantees), for the purpose of performing the work identified in the Order. The McGinnes Family understands that Respondents are not EPA's representatives with respect to any liability associated with Site activities. However, in relation to the McGinnes Family, any liability arising from work performed by Grantees at the Site is at their sole risk.

Mr. Albert Axe, Jr.
January 22, 2010
Page 2

Nothing in this letter is to be construed as a waiver of any rights of the McGinnes Family in connection with the Site or any actions by Grantees.

Please feel free to call if you have questions or need further information.

Very truly yours,

Lori Warner

Lori Warner

cc: Ms. Barbara Nann
U.S. EPA, Region 6
Office of Regional Counsel
Superfund Branch (6RC-S)
1445 Ross Avenue
Dallas, TX 75202-2733
Nann.Barbara@epamail.epa.gov

Mr. Stephen Tzhone
U.S. EPA, Region 6 (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Tzhone.stephen@epamail.epa.gov

Mr. Francis E. Chin
McGinnes Industrial Maintenance Corporation
1001 Fannin Street, Suite 4000
Houston, TX 77002
fchin@wm.com

Mr. John F. Cermak, Jr.
Baker Hostetler
12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7120
jcermak@bakerlaw.com

401 Congress Avenue
Suite 2100
Austin, Texas 78701

512.370.2800 OFFICE
512.370.2850 FAX
winstead.com

January 25, 2010

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Gary Gladfelter
169 Castle Breeze Dr.
Seguin, Texas 78155-8700

Re: San Jacinto River Waste Pits (the "Property") --
**TIME SENSITIVE: UPDATE TO REQUEST FOR CONSENT
FOR ACCESS TO PROPERTY**

Dear Mr. Gladfelter:

As you know, we represent McGinnes Industrial Maintenance Corporation (MIMC) regarding the above Property. This is a follow-up to our previous letter to you dated December 7, 2009 and to the letter provided to you by Baker & Hostetler LLP, counsel for International Paper Company (IPC), dated January 12, 2010, regarding our request for your consent for access to the Property.

At the same time we first contacted you, we also contacted with Ms. Dolores McGinnes and her daughters, Ms. Tammy Idoux and Ms. Holly Boate, regarding access to the Property. Ms. McGinnes and her daughters have since hired the attorneys of Adams and Reese, LLP to represent them in this matter. On January 22, 2010, we received a letter from Ms. Lori Warner of Adams and Reese (a copy of which is attached), which states that Ms. McGinnes and her daughters do not admit ownership of the Property but, to the extent they may have ownership, they do not object to access to the Property by MIMC, IPC, and U.S. Environmental Protection Agency (EPA) to perform the work required by EPA to cleanup the Property.

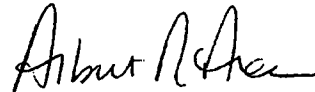
While we understand that you do not believe you hold any ownership interest in the Property, we ask that you sign a statement indicating that you do not object to access to the Property similar to that provided by the attorney for Ms. McGinnes and her daughters. If you wish, we would be happy to prepare a statement similar to the attached letter from Adams and Reese for your signature. Alternatively, you may use either of the other two forms (the Access Agreement or the Consent for Access to the Property) we previously provided to you.

Me. Gary Gladfelter
January 25, 2010
Page 2

As mentioned in the January 12 letter from Baker & Hostettler, if you want to first consult with an attorney, we will pay up to \$2,500 in attorney's fees. However, due to deadlines established by EPA, it is important that we have a written consent from you by January 31, 2010.

Please call me as soon as possible so we can discuss this further. You may reach me at 512-370-2806. You are also welcome to contact Barbara Nann at the United States Environmental Protection Agency at (214) 665-2157 or nann.barbara@epa.gov.

Respectfully,

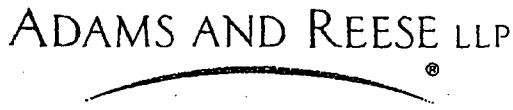
A handwritten signature in black ink, appearing to read "Albert R. Axe, Jr.", written in a cursive style.

Albert R. Axe, Jr.

Enclosure

cc: Barbara Nann (with enclosure)

Austin_1 589049v1 48434-1



Attorneys at Law

Baton Rouge
Birmingham
Houston
Jackson
Mobile
Nashville
New Orleans
Washington, DC

January 22, 2010

Lori Warner

Direct (713) 308-0377
E-Fax (713) 308-4089
lori.warner@arlaw.com

Via email aaxe@winstead.com

Mr. Albert R. Axe, Jr.
Winstead PC
401 Congress Avenue
Suite 2100
Austin, TX 78701

Re: San Jacinto River Waste Pits

Dear Mr. Axe:

We have been retained as counsel by Ms. Dolores McGinnes, on behalf of herself, Tammy McGinnes Idoux, and Holly McGinnes Boate, (collectively, McGinnes Family) in connection with your request for access to a certain portion of the property identified by U.S. Environmental Protection Agency (EPA) as the San Jacinto River Waste Pits Superfund Site (Site). You have requested consent to access from the McGinnes Family as purported heirs to the owner of record, Virgil C. McGinnes, Trustee. It is the McGinnes Family's understanding and belief that neither the McGinnes Family nor any other of the Virgil McGinnes heirs holds any ownership interest in the Site; rather, the property was held in trust by Virgil McGinnes for the benefit of McGinnes Industrial Maintenance Corporation. The McGinnes Family is undertaking further investigation into the ownership and we will advise you of the results.

In the interim, the McGinnes Family does not object to the work that the U.S. EPA has asked you to perform under the Unilateral Administrative Order for Remedial Investigation/ Feasibility Study (Order) filed on November 20, 2009 in the matter of the San Jacinto River Waste Pits Superfund Site, Pasadena, Texas, U.S. EPA Region 6, CERCLA Docket No. 06-03-10. Accordingly, to the extent that the McGinnes Family has any ownership interest in the Site, they do not object to entry onto the Site by (i) International Paper Company, Inc. and McGinnes Industrial Maintenance Corporation (Respondents) and their consultants, contractors, agents, and employees; or (ii) the U.S. EPA and its contractors and oversight officials ((i) and (ii) collectively referred to as Grantees), for the purpose of performing the work identified in the Order. The McGinnes Family understands that Respondents are not EPA's representatives with respect to any liability associated with Site activities. However, in relation to the McGinnes Family, any liability arising from work performed by Grantees at the Site is at their sole risk.

Mr. Albert Axe, Jr.
January 22, 2010
Page 2

Nothing in this letter is to be construed as a waiver of any rights of the McGinnes Family in connection with the Site or any actions by Grantees.

Please feel free to call if you have questions or need further information.

Very truly yours,

Lori Warner

Lori Warner

cc: Ms. Barbara Nann
U.S. EPA, Region 6
Office of Regional Counsel
Superfund Branch (6RC-S)
1445 Ross Avenue
Dallas, TX 75202-2733
Nann.Barbara@epamail.epa.gov

Mr. Stephen Tzhone
U.S. EPA, Region 6 (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Tzhone.stephen@epamail.epa.gov

Mr. Francis E. Chin
McGinnes Industrial Maintenance Corporation
1001 Fannin Street, Suite 4000
Houston, TX 77002
fchin@wm.com

Mr. John F. Cermak, Jr.
Baker Hostetler
12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7120
jcermak@bakerlaw.com

EXHIBIT 7

Foringer, Jenn

From: Foringer, Jenn
Sent: Monday, February 01, 2010 6:28 PM
To: 'jason@ostromsain.com'
Subject: Tanya Ammons - San Jacinto River site
Attachments: 48434-1(2010-01-25 17-04-18).PDF; Tanya Gladfelter Ammons -- Request for Consent for Access to Property.pdf; Austin_1-589890-v1-Letter from Tanya Ammons.DOC; Austin_1-589891-v1-Consent for Access to Property Tanya Ammons.DOC

Dear Jason,

As we discussed, attached are correspondence that we sent to Ms. Tanya Ammons regarding access to the San Jacinto River Waste Pits Superfund Site. The letters were sent on behalf of our client, McGinnes Industrial Maintenance Corporation, and on behalf of International Paper Company. Please note that the most recent letter has a copy of the letter from Adams & Reese, who represents 3 of the other heirs, with language stating that the heirs do not admit to ownership but do not object to access.

Again, we are hoping to obtain a similar statement from Ms. Ammons. For your convenience, I have also attached a Consent for Access to Property, which is a short consent form that is based on a model form provided by EPA. As an alternative, I have also attached a brief letter addressed from Ms. Ammons that has substantially similar language to that of the attorney for the 3 other heirs. We welcome Ms. Ammons to sign either document.

As indicated in each of our previous letters to Ms. Ammons, you or Ms. Ammons are welcome to contact EPA regarding this matter. Barbara Nann (214-665-2157) and Stephen Tzhone (214-665-8409) are with EPA Region 6 and are both familiar with the site.

Finally, as we discussed, EPA has set certain deadlines, and we had hoped to gain access from Ms. Ammons by yesterday, January 31. We would greatly appreciate a response from you as soon as possible regarding this matter. Please do not hesitate to contact me anytime at 512-370-2822.

Thank you,
Jenn

Jennifer Tjia Foringer

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701
512.370.2822 *direct* | 512.370.2850 *fax* | jforinger@winstead.com | www.winstead.com

2/16/2010

401 Congress Avenue
Suite 2100
Austin, Texas 78701

512.370.2800 OFFICE
512.370.2850 FAX
winstead.com

January 25, 2010

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ms. Tanya Gladfelter Ammons
218 Dogwood Street
Lake Jackson, Texas 77566-4510

Re: San Jacinto River Waste Pits (the "Property") --
**TIME SENSITIVE: UPDATE TO REQUEST FOR CONSENT
FOR ACCESS TO PROPERTY**

Dear Ms. Ammons:

As you know, we represent McGinnes Industrial Maintenance Corporation (MIMC) regarding the above Property. This is a follow-up to our previous letter to you dated December 7, 2009 and to the letter provided to you by Baker & Hostetler LLP, counsel for International Paper Company (IPC), dated January 12, 2010, regarding our request for your consent for access to the Property.

At the same time we first contacted you, we also contacted with Ms. Dolores McGinnes and her daughters, Ms. Tammy Idoux and Ms. Holly Boate, regarding access to the Property. Ms. McGinnes and her daughters have since hired the attorneys of Adams and Reese, LLP to represent them in this matter. On January 22, 2010, we received a letter from Ms. Lori Warner of Adams and Reese (a copy of which is attached), which states that Ms. McGinnes and her daughters do not admit ownership of the Property but, to the extent they may have ownership, they do not object to access to the Property by MIMC, IPC, and U.S. Environmental Protection Agency (EPA) to perform the work required by EPA to cleanup the Property.

While we understand that you do not believe you hold any ownership interest in the Property, we ask that you sign a statement indicating that you do not object to access to the Property similar to that provided by the attorney for Ms. McGinnes and her daughters. If you wish, we would be happy to prepare a statement similar to the attached letter from Adams and Reese for your signature. Alternatively, you may use either of the other two forms (the Access Agreement or the Consent for Access to the Property) we previously provided to you.

Ms. Tanya Gladfelter Ammons
January 25, 2010
Page 2

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Please call me as soon as possible so we can discuss this further. You may reach me at 512-370-2806. You are also welcome to contact Barbara Nann at the United States Environmental Protection Agency at (214) 665-2157 or nann.barbara@epa.gov.

Respectfully,

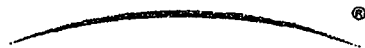
A handwritten signature in black ink, appearing to read "Albert R. Axe, Jr.", with a stylized, cursive script.

Albert R. Axe, Jr.

Enclosure

cc: Barbara Nann (with enclosure)

ADAMS AND REESE LLP



January 22, 2010

Attorneys at Law

Baton Rouge

Birmingham

Houston

Jackson

Mobile

Nashville

New Orleans

Washington, DC

Lori Warner

Direct (713) 308-0377

E-Fax (713) 308-4089

lori.warner@arlaw.com

Via email aaxe@winstead.com

Mr. Albert R. Axe, Jr.
Winstead PC
401 Congress Avenue
Suite 2100
Austin, TX 78701

Re: San Jacinto River Waste Pits

Dear Mr. Axe:

We have been retained as counsel by Ms. Dolores McGinnes, on behalf of herself, Tammy McGinnes Idoux, and Holly McGinnes Boate, (collectively, McGinnes Family) in connection with your request for access to a certain portion of the property identified by U.S. Environmental Protection Agency (EPA) as the San Jacinto River Waste Pits Superfund Site (Site). You have requested consent to access from the McGinnes Family as purported heirs to the owner of record, Virgil C. McGinnes, Trustee. It is the McGinnes Family's understanding and belief that neither the McGinnes Family nor any other of the Virgil McGinnes heirs holds any ownership interest in the Site; rather, the property was held in trust by Virgil McGinnes for the benefit of McGinnes Industrial Maintenance Corporation. The McGinnes Family is undertaking further investigation into the ownership and we will advise you of the results.

In the interim, the McGinnes Family does not object to the work that the U.S. EPA has asked you to perform under the Unilateral Administrative Order for Remedial Investigation/ Feasibility Study (Order) filed on November 20, 2009 in the matter of the San Jacinto River Waste Pits Superfund Site, Pasadena, Texas, U.S. EPA Region 6, CERCLA Docket No. 06-03-10. Accordingly, to the extent that the McGinnes Family has any ownership interest in the Site, they do not object to entry onto the Site by (i) International Paper Company, Inc. and McGinnes Industrial Maintenance Corporation (Respondents) and their consultants, contractors, agents, and employees; or (ii) the U.S. EPA and its contractors and oversight officials ((i) and (ii) collectively referred to as Grantees), for the purpose of performing the work identified in the Order. The McGinnes Family understands that Respondents are not EPA's representatives with respect to any liability associated with Site activities. However, in relation to the McGinnes Family, any liability arising from work performed by Grantees at the Site is at their sole risk.

Mr. Albert Axe, Jr.
January 22, 2010
Page 2

Nothing in this letter is to be construed as a waiver of any rights of the McGinnes Family in connection with the Site or any actions by Grantees.

Please feel free to call if you have questions or need further information.

Very truly yours,

Lori Warner

Lori Warner

cc: Ms. Barbara Nann
U.S. EPA, Region 6
Office of Regional Counsel
Superfund Branch (6RC-S)
1445 Ross Avenue
Dallas, TX 75202-2733
Nann.Barbara@epamail.epa.gov

Mr. Stephen Tzhone
U.S. EPA, Region 6 (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Tzhone.stephen@epamail.epa.gov

Mr. Francis E. Chin
McGinnes Industrial Maintenance Corporation
1001 Fannin Street, Suite 4000
Houston, TX 77002
fchin@wm.com

Mr. John F. Cermak, Jr.
Baker Hostetler
12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7120
jcernak@bakerlaw.com

Baker Hostetler

January 12, 2010

VIA HAND DELIVERY & CERTIFIED MAIL

Tanya Gladfelter Ammons
218 Dogwood Street
Lake Jackson, TX 77566-4510

Re: **San Jacinto River Waste Pits (the "Property") –
TIME SENSITIVE REQUEST FOR CONSENT
FOR ACCESS TO PROPERTY**

Dear Ms. Ammons:

Mr. Gladfelter:

This letter is sent to you on behalf of McGinnes Industrial Maintenance Corporation and International Paper Company regarding the above Property. This is to again request your consent for access to the Property by signing the attached written permission for access to the Property ("Consent"). As an alternative to the proposed Access Agreement previously sent to you by letter dated December 7, 2009, we have enclosed a shorter Consent form, which you may prefer. Please note the following:

- (1) By signing the Consent you are NOT acknowledging any ownership in the Property.
- (2) Even if you inherited an ownership interest in the Property, you may be entitled to protections from liability under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") known as "Superfund."

If you prefer the previously proposed Access Agreement, we are happy to incorporate similar language stating that you do not acknowledge any ownership in the Property.

If you want to first consult with an attorney, we will pay up to \$2,500 in attorney's fees. However, based on discussions with the U.S. Environmental Protection Agency, it is important that we have a signed Consent by January 31, 2010.

Baker & Hostetler LLP

12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7120

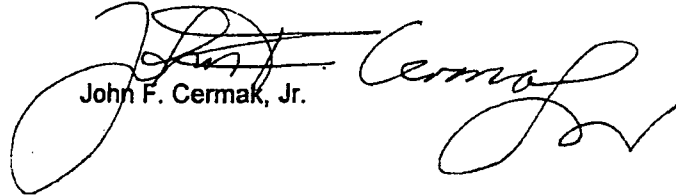
T 310.820.8800
F 310.820.8859
www.bakerlaw.com

John F. Cermak, Jr.
direct dial: 310.442.8885
jcermak@bakerlaw.com

Tanya Gladfelter Ammons
January 12, 2010
Page 2

Please call either of the undersigned if you have any questions, or you can contact Barbara Nann at the United States Environmental Protection Agency at (214) 665-2157 or nann.barbara@epa.gov.

Sincerely,


John F. Cermak, Jr.

JFC/nlw
Enclosure

cc: Barbara A. Nann (with enclosure)
Albert R. Axe, Jr. (with enclosure)

CONSENT FOR ACCESS TO PROPERTY

Name: Tanya Gladfelter Ammons

Location of Property: The property is located near the intersection of Interstate Highway 10 and the San Jacinto River, east of the City of Houston, and more particularly described on Exhibit A attached hereto and incorporated herein (the "Property"). Such property has been identified by the United States Environmental Protection Agency ("EPA") as part of the San Jacinto River Waste Pits Site under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA," also referred to as Superfund), 42 U.S.C. § 9601 *et seq.*

Without admitting that I have any ownership in the Property, I consent as follows: (1) to officers, employees, contractors, oversight officials, and authorized representatives of EPA, McGinnes Industrial Maintenance Corporation ("MIMC") and International Paper Company ("International Paper") (MIMC and International Paper are not representatives of EPA with respect to liability associated with activities at the Property) entering and having continued access to the Property for the following purposes:

- a. the taking of soil, water, and air samples as may be determined to be necessary;
- b. the sampling of any wastes disposed of on the property;
- c. the drilling of holes and installation of monitoring wells for subsurface investigation;
- d. other actions related to the investigation of surface or subsurface contamination;
- e. the taking of a response action that may include (i) the installation of fencing to prevent unauthorized entry onto the property, (ii) the construction of berms and the taking of other measures to temporarily or permanently confine and consolidate wastes disposed of on the property and to prevent releases of such wastes to the environment, and (iii) conducting any other response actions (as defined in CERCLA) as may be necessary at the property that are approved by EPA.

(2) to EPA and its authorized representatives having the authority to enter and freely move about all Property where work, if any, is being performed, for the purposes of inspecting conditions, activities, the results of activities, records, operating logs, and contracts related to the Property or MIMC and International Paper and their contractor; reviewing the progress of MIMC and International Paper in carrying out any work; conducting tests as EPA or its authorized representatives deem necessary; using a camera, sound recording device or other documentary type equipment; and verifying the data submitted to EPA by MIMC and IPC. I realize that these actions by EPA will be undertaken pursuant to its response and enforcement responsibilities under CERCLA.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Date

Signature

Ms. Tanya Gladfelter Ammons
218 Dogwood Street
Lake Jackson, Texas 77566-4510

February 1, 2010

Mr. Albert R. Axe, Jr.
Winstead PC
401 Congress Avenue
Suite 2100
Austin, TX 78701

Re: San Jacinto River Waste Pits

Dear Mr. Axe:

This letter is in response to your request for access to a certain portion of the property identified by U.S. Environmental Protection Agency (EPA) as the San Jacinto River Waste Pits Superfund Site (Site). You have requested access from me as a purported heir to the owner of record, Virgil C. McGinnes, Trustee. It is my understanding and belief that I do not hold any ownership interest in the Site.

I do not object to the work that EPA has asked you to perform under the Unilateral Administrative Order for Remedial Investigation/ Feasibility Study (Order) filed on November 20, 2009 in the matter of the San Jacinto River Waste Pits Superfund Site, Pasadena, Texas, U.S. EPA Region 6, CERCLA Docket No. 06-03-10. Accordingly, to the extent that I have any ownership interest in the Site, I do not object to entry onto the Site by (i) International Paper Company, Inc. and McGinnes Industrial Maintenance Corporation (Respondents) and their consultants, contractors, agents, and employees; or (ii) EPA and its contractors and oversight officials ((i) and (ii) collectively referred to as Grantees), for the purpose of performing the work identified in the Order or other orders entered into between the Grantees and EPA. I understand that Respondents are not EPA's representatives with respect to any liability associated with Site activities. However, in relation to me, any liability arising from work performed by Grantees at the Site is at their sole risk. Nothing in this letter is to be construed as a waiver of any of my rights in connection with the Site or any actions by Grantees.

Sincerely,

Tanya Gladfelter Ammons

CONSENT FOR ACCESS TO PROPERTY

Name: Tanya Gladfelter Ammons

Location of Property: The property is located near the intersection of Interstate Highway 10 and the San Jacinto River, east of the City of Houston, and more particularly described on Exhibit A attached hereto and incorporated herein (the "Property"). Such property has been identified by the United States Environmental Protection Agency ("EPA") as part of the San Jacinto River Waste Pits Site under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA," also referred to as Superfund), 42 U.S.C. § 9601 *et seq.*

Without admitting that I have any ownership in the Property, I consent as follows:

(1) to officers, employees, contractors, oversight officials, and authorized representatives of EPA, McGinnes Industrial Maintenance Corporation ("MIMC") and International Paper Company ("International Paper") (MIMC and International Paper are not representatives of EPA with respect to liability associated with activities at the Property) entering and having continued access to the Property for the following purposes:

- a. the taking of soil, water, and air samples as may be determined to be necessary;
- b. the sampling of any wastes disposed of on the property;
- c. the drilling of holes and installation of monitoring wells for subsurface investigation;
- d. other actions related to the investigation of surface or subsurface contamination;
- e. the taking of a response action that may include (i) the installation of fencing to prevent unauthorized entry onto the property, (ii) the construction of berms and the taking of other measures to temporarily or permanently confine and consolidate wastes disposed of on the property and to prevent releases of such wastes to the environment, and (iii) conducting any other response actions (as defined in CERCLA) as may be necessary at the property that are approved by EPA.

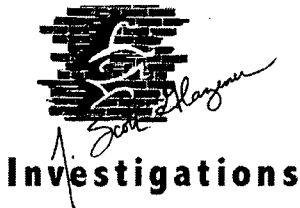
(2) to EPA and its authorized representatives having the authority to enter and freely move about all Property where work, if any, is being performed, for the purposes of inspecting conditions, activities, the results of activities, records, operating logs, and contracts related to the Property or MIMC and International Paper and their contractor; reviewing the progress of MIMC and International Paper in carrying out any work; conducting tests as EPA or its authorized representatives deem necessary; using a camera, sound recording device or other documentary type equipment; and verifying the data submitted to EPA by MIMC and IPC. I realize that these actions by EPA will be undertaken pursuant to its response and enforcement responsibilities under CERCLA.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Date

Signature

EXHIBIT 8



P O Box 1909
Canyon Lake, Texas 78133
Phone: 830-227-5600

office@jscottglazenerinv.com
www.jscottglazenerinv.com

Texas License: A13129

ACCT.: 500

DATE: 02/05/10

GLADFELTER, GARY
169 CASTLE BREEZE DRIVE
SEGUIN, TEXAS 78155-8700
DOB: NOT GIVEN
SSN: NOT GIVEN
DL: NOT GIVEN

REQUESTER:
JENNIFER TIJA FORINGER
DOL: NOT APPLICABLE
INJURY: NOT APPLICABLE

RESEARCH / LOCATION

SYNOPSIS:

From all indications, the subject currently resides at the "learned" address 14070 FM 725, Seguin, Texas, which is a small and rural (unnamed) trailer park where his trailer is the first space in the center of the park.

On Friday, 01/29/10, in the attempt to locate Mr. Gladfelter, we traveled to the given address 169 Castle Breeze Drive, in Seguin, Texas. Upon arrival, there were no vehicles present or any visible interior or exterior lights; therefore, we left a business card requesting for Mr. Gladfelter to contact our investigator. We spoke with a neighbor, who stated that Mr. Gladfelter had moved suddenly approximately two to three months previous; however, there are no visible signs stating the property is for sale; therefore, she is unsure of what is taking place with the property. The neighbor stated that her husband and son had observed Mr. Gladfelter checking on the residence from time to time; however, it is currently vacant.

On Saturday, 01/30/10, in attempt to locate Mr. Gary Gladfelter, we traveled to the learned address 14070 FM 725, in Seguin, Texas. We discovered this address is in a very small and rural trailer park, outside of Seguin, Texas, and off of IH-10. As our investigator approached the front door of the trailer, Mr. Gladfelter exited, wearing a short sleeved shirt and no shoes. For approximately the next 15 minutes, our investigator attempted to explain the reason for his visit; however, Mr. Gladfelter, continued to imply that he did not understand the reason for this visit. But, later, he stated that he had similar papers within his residence. He stated that approximately 10 years ago, he tried to locate the "questionable" property and heirship; however, he was unable to locate a "Will" indicating such. Apparently the land had "sunken down" (for unknown reasons), he was told it fell into a river and it is no longer suitable land. He is sure there are many cousins who may also own the land if it was so "willed". Mr. Gladfelter wanted to know who had already signed the "Release Letter" and he wanted to know why he had to sign the letter if he did/does not own the land or any portion of it. Our

investigator tried to explain the reasons for signing the papers, however, his demeanor and voice changed. He said he does not speak with anyone in his family, including his daughter, and he cannot stand the President of the United States or his administration. This is the reason he had recently purchased a new trailer and vehicle. He is currently in the process of trying to purchase 100 acres of land and move his possessions to this land (in order to get away from the Government and wait for them to come and take it away from him).

On Tuesday, 02/02/10, Mr. Glazener received a telephone call from Mr. Gary Gladfelter via his cellular phone. He informed Mr. Glazener that he had traveled to the given address on Castle Breeze Drive, in Seguin, Texas, to check on the empty residence and he found the business card that was left by Mr. Glazener on Saturday, 01/31/10. Mr. Gladfelter was very adamant as he instructed Mr. Glazener not to bother him any longer. He also asked Mr. Glazener to explain and instruct everyone who is sending Mr. Gladfelter mail or trying to contact him, regarding the property and consent forms, to stop. He wants everyone to leave him alone and quit bothering him. Mr. Gladfelter is not going to sign any papers, he explained he does not trust any lawyers, he does not trust what they say or write and he does not care about the property. He stated as far as he knows, he does not own the property and he just wants to be left alone.

Mr. Glazener read the second paragraph from the paper title "Consent for Access to Property", regarding not admitting to the ownership of the property; however, Mr. Gladfelter would not agree to the document nor would he agree to sign any paperwork.

His last comment to Mr. Glazener was "if they want to go after anyone, then go after the charity organization that my mother gave half of her estate to, the Shriner's Burn Institute or organization".

INVESTIGATION PROFILE:

Prior to our "on-the-street" investigation, our computer sources were researched, with the following discoveries:

A **National Profile** in the claimant's name (please see the attached Exhibit).

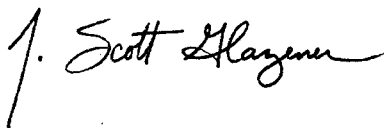
NOTE: Audio of the conversation between Mr. Glazener and Mr. Gladfelter via telephone, was emailed to Ms. Jennifer Tiga Foringer on Tuesday, 02/02/2010.

CLOSING COMMENTS:

At this time, we close our investigation, pending your review. If further investigation is required, please contact our office.

Per our conversation, as soon as the weather clears, I will take a photograph of his truck and trailer and email them to you.

Thank you for the opportunity to be of service.



GLADFELTER, GARY

DATE: 02/05/10

J. Scott Glazener, Sr.

Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State.

IRBSearch, LCC does not constitute a "consumer report" as that term is defined in the federal Fair Credit Reporting Act, 15 USC 1681 et seq. (FCRA). Accordingly, IRBSearch, LCC may not be used in whole or in part as a factor in determining eligibility for credit, insurance, employment or another permissible purpose under the FCRA.

Your DPPA Permissible Use: Licensed Private Investigative or Security Services

Your GLBA Permissible Use: No Permissible Purpose

Comprehensive Report

Comprehensive Report

Date: 01/30/10

Report processed by:

J. SCOTT GLAZENER INVESTIGATIONS M18059

Report Legend:

S - Shared Address

D - Deceased

✓ - Probable Current Address

		1		REPORT/COMPRI	14080817R61215
b6f8ea3da16cf4;					

Subject Information:

(Best Information for Subject)

Name: GARY MARTEN GLADFELTER

Date of Birth: 10/19/1954

Age: 55

SSN: 454-02-xxxx issued in Texas

between 1/1/1969 and 12/31/1969

Names Associated With Subject:

GARY M GLADFELTER DOB: 10/19/1954 Age: 55

454-02-xxxx issued in Texas between 1/1/1969 and 12/31/1969

GARY GLADFELTER DOB: 10/19/1954 Age: 55

454-02-xxxx issued in Texas between 1/1/1969 and 12/31/1969

GARY GLADFELTER DOB: 10/19/1954 Age: 55

454-02-xxxx issued in Texas between 1/1/1969 and 12/31/1969

GARY GLADFILTER DOB: 10/19/1954 Age: 55

454-02-xxxx issued in Texas between 1/1/1969 and 12/31/1969

GARY M GLADGELTER DOB: 10/19/1954 Age: 55

454-02-xxxx issued in Texas between 1/1/1969 and 12/31/1969

Others Associated With Subjects SSN:

(DOES NOT usually indicate any type of fraud or deception)

[None Found]

Address Summary:

Address	County	Dates	Maps
14070 FM 725, SEGUIN TX 78155-8458	GUADALUPE	Dec 2009	N/A
169 CASTLE BREEZE DR, SEGUIN TX 78155-8700	GUADALUPE	Feb 2008 - Oct 2009	N/A
PO BOX 894, SEGUIN TX 78156-0894	GUADALUPE	Sep 2005 - 2009	N/A
9000 CHAPEL RD APT 24103, WACO TX 76712-8740	MCLENNAN	Nov 2007 - Jun	N/A

		2008	
PO BOX 1516, HEWITT TX 76643-1400	MCLENNAN	Dec 2007 - Apr 2008	N/A
900 CHAPEL RD APT, WACO TX 76712	MCLENNAN	Feb 2008	N/A
PO BOX 7103, TYLER TX 75711-7103	SMITH	Apr 2007 - Dec 2007	N/A
PO BOX 1756, ATHENS TX 75751-1756	HENDERSON	Sep 2006 - Apr 2007	N/A
1505 GRANDE BLVD APT 1004, TYLER TX 75703-5697	SMITH	Jan 2007	N/A
1901 S JOHNSON ST, ALVIN TX 77511-4336	BRAZORIA	Nov 2005 - Mar 2006	N/A
RR 3 BOX 3618, BRAZORIA TX 77422-9803	BRAZORIA	Mar 1993 - Jun 2005	N/A
9696 1 CR 505, BRAZORIA TX 77422	BRAZORIA	Nov 2004	N/A
9696-1 COUNTY ROAD 505, BRAZORIA TX 77422-6970	BRAZORIA	Feb 2001 - Nov 2004	N/A
3 RT BOX 3608, BRAZORIA TX 77422	BRAZORIA	Apr 1998 - Jan 1999	N/A
3 BOX APT 3618, BRAZORIA TX 77422	BRAZORIA	Sep 1998	N/A
3 RT BOX, BRAZORIA TX 77422	BRAZORIA	Apr 1998	N/A
3 ROUTE APT, BRAZORIA TX 77422	BRAZORIA	Apr 1995	N/A
RR 3 BOX 1, BRAZORIA TX 77422-9803	BRAZORIA	Oct 1986	N/A
3 BOX 3618, BRAZORIA TX 77422	BRAZORIA		N/A

Previous And Non-Verified Address(es):

14070 FM 725, SEGUIN TX 78155-8458, GUADALUPE COUNTY (Dec 2009)

Name Associated with Address:

GARY GLADFELTER

Current Residents at Address:

JOAN K ALLEN

MARSHA J ALVEAR

CAMPBELL

CAROLYN K DUNN

JUANELL FRANCES BROWN

ELMER P MOLTZ JR

SHEILA A MCKELLER

JAKE E RYMER

JERRY COLLINS KELLY

TAMMY GAIL KELLY

830-837-3381

Property Ownership Information for this Address

Property:

Parcel Number - 2G0288-0000-00230-0-00

Name Owner : POPE NANCY

Property Address: - 14070 FM 725, SEGUIN TX 78155-8458, GUADALUPE

COUNTY

Owner Address: 13884 FM 725, SEGUIN TX 78155-1880, GUADALUPE

COUNTY

Total Market Value - \$503,909

Assessed Value - \$503,909
Land Value - \$321,559
Improvement Value - \$182,350
Land Size - 507,474 Square Feet
Year Built - 2000
Data Source - A

Neighborhood Profile (2000 Census)

Average Age: 39
Median Household Income: \$42,625
Median Owner Occupied Home Value: \$89,800
Average Years of Education: 13

169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY
(Feb 2008 - Oct 2009)

Name Associated with Address:

GARY GLADFELTER
830-379-2453

Property Ownership Information for this Address

Property:

Parcel Number - 1G-0467-2000-06500-000
Name Owner : ARBELAEZ FELIX
Property Address: - 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY
Owner Address: 13945 HUBER RD, SEGUIN TX 78155-0262, GUADALUPE COUNTY
Total Market Value - \$17,500
Assessed Value - \$17,500
Land Value - \$17,500
Land Size - 21780 SF
Data Source - B

Neighborhood Profile (2000 Census)

Average Age: 40
Median Household Income: \$43,988
Median Owner Occupied Home Value: \$77,700
Average Years of Education: 12

PO BOX 894, SEGUIN TX 78156-0894, GUADALUPE COUNTY (Sep 2005 - 2009)

Name Associated with Address:

GARY GLADFELTER

Current Residents at Address:

GARY MARTEN GLADFELTER
PATRICIA A GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 33
Median Household Income: \$30,114
Median Owner Occupied Home Value: \$40,800
Average Years of Education: 10

9000 CHAPEL RD APT 24103, WACO TX 76712-8740, MCLENNAN COUNTY

(Nov 2007 - Jun 2008)

Name Associated with Address:

GARY GLADFELTER

Property Ownership Information for this Address

Property:

Parcel Number - 36-150000-008127-5

Book - 270

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Name Owner : MAJ PARTNERS LTD

Property Address: - 9000 CHAPEL RD, WACO TX 76712-8740, MCLENNAN COUNTY

Owner Address: 5421 ALPHA RD, DALLAS TX 75240-4562, DALLAS COUNTY

Land Usage - DUPLEX

Total Market Value - \$8,657,350

Assessed Value - \$8,657,350

Land Value - \$1,468,627

Improvement Value - \$7,188,723

Land Size - 534,045 Square Feet

Year Built - 1999

Name of Seller : OWNER RECORD

Data Source - A

Neighborhood Profile (2000 Census)

Average Age: 30

Median Household Income: \$41,616

Median Owner Occupied Home Value: \$79,900

Average Years of Education: 14

PO BOX 1516, HEWITT TX 76643-1400, MCLENNAN COUNTY (Dec 2007 - Apr 2008)

Name Associated with Address:

GARY M GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 36

Median Household Income: \$59,356

Median Owner Occupied Home Value: \$94,900

Average Years of Education: 14

900 CHAPEL RD APT, WACO TX 76712, MCLENNAN COUNTY (Feb 2008)

Name Associated with Address:

GARY M GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 37

Median Household Income: \$61,150

Median Owner Occupied Home Value: \$93,600

Average Years of Education: 15

PO BOX 7103, TYLER TX 75711-7103, SMITH COUNTY (Apr 2007 - Dec 2007)

Name Associated with Address:

GARY MARTEN GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 42

Median Household Income: \$29,310

Median Owner Occupied Home Value: \$81,600

Average Years of Education: 14

PO BOX 1756, ATHENS TX 75751-1756, HENDERSON COUNTY (Sep 2006 - Apr 2007)

Name Associated with Address:

GARY MARTEN GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 41

Median Household Income: \$37,981

Median Owner Occupied Home Value: \$61,200

Average Years of Education: 13

1505 GRANDE BLVD APT 1004, TYLER TX 75703-5697, SMITH COUNTY (Jan 2007)

Name Associated with Address:

GARY MARTEN GLADFELTER

Property Ownership Information for this Address

Property:

Parcel Number - 50000-1548-00-002000

Book - 4853

Page - 106

Name Owner : M N H LLC

Property Address: - 1505 GRANDE BLVD, TYLER TX 75703-5695, SMITH COUNTY

Owner Address: 1990 S BUNDY DR STE 100, LOS ANGELES CA 90025-5255, LOS ANGELES COUNTY

Land Usage - APARTMENT

Total Market Value - \$10,800,000

Assessed Value - \$10,800,000

Land Value - \$787,500

Improvement Value - \$10,012,500

Land Size - 1,448,805 Square Feet

Name of Seller : OWNER RECORD

Data Source - A

Neighborhood Profile (2000 Census)

Average Age: 43

Median Household Income: \$34,958

Median Owner Occupied Home Value: \$99,500

Average Years of Education: 14

1901 S JOHNSON ST, ALVIN TX 77511-4336, BRAZORIA COUNTY (Nov 2005 - Mar 2006)

Name Associated with Address:

GARY MARTEN GLADFELTER

281-331-0614 DICKENSHEETS RICHARD

Property Ownership Information for this Address

Property:

Parcel Number - 0488-0027-000

Name Owner : DICKENSHEETS RICHARD T

Property Address: - 1901 S JOHNSON ST, ALVIN TX 77511-

4336, BRAZORIA COUNTY

Owner Address: 1901 S JOHNSON ST, ALVIN TX 77511-

4336, BRAZORIA COUNTY

Total Market Value - \$193,710

Assessed Value - \$193,710

Land Value - \$24,250

Improvement Value - \$169,460

Land Size - 42,253 Square Feet

Year Built - 1950

Name of Seller : GLADFELTER GARY M

Loan Amount - \$128,000

Loan Type - CONVENTIONAL

Lender Name - RMC VANGUARD MTG CORP

Data Source - A

Neighborhood Profile (2000 Census)

Average Age: 34

Median Household Income: \$33,194

Median Owner Occupied Home Value: \$68,300

Average Years of Education: 13

RR 3 BOX 3618, BRAZORIA TX 77422-9803, BRAZORIA COUNTY (Mar 1993 - Jun 2005)

Name Associated with Address:

GARY GLADFELTER

Property Ownership Information for this Address

Property:

Parcel Number -

Name Owner : SANCHEZ, HECTOR

Property Address: - RR 3, BRAZORIA TX 77422-9803, BRAZORIA

COUNTY

Owner Address: RR 3, BRAZORIA TX 77422-9803, BRAZORIA COUNTY

Data Source - A

Neighborhood Profile (2000 Census)

Average Age: 36

Median Household Income: \$45,625

Median Owner Occupied Home Value: \$65,000

Average Years of Education: 12

9696 1 CR 505, BRAZORIA TX 77422, BRAZORIA COUNTY (Nov 2004)

Name Associated with Address:

GARY MARTEN GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 35

Median Household Income: \$55,341

Median Owner Occupied Home Value: \$76,300
Average Years of Education: 13
9696-1 COUNTY ROAD 505, BRAZORIA TX 77422-6970, BRAZORIA COUNTY
(Feb 2001 - Nov 2004)

Name Associated with Address:

GARY MARTEN GLADFELTER

Property Ownership Information for this Address

Property:

Parcel Number -

Name Owner : UNITED STATES OF AMERICA

Property Address: - 9696-1 COUNTY ROAD 505, BRAZORIA TX 77422-6970, BRAZORIA COUNTY

Owner Address: PO BOX 1306, ALBUQUERQUE NM 87103-1306, BERNALILLO COUNTY

Name of Seller : TRUST FOR PUBLIC LAND

Data Source - A

Neighborhood Profile (2000 Census)

Average Age: 34

Median Household Income: \$37,232

Median Owner Occupied Home Value: \$60,800

Average Years of Education: 13

3 RT BOX 3608, BRAZORIA TX 77422, BRAZORIA COUNTY (Apr 1998 - Jan 1999)

Name Associated with Address:

GARY MARTEN GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 35

Median Household Income: \$55,341

Median Owner Occupied Home Value: \$76,300

Average Years of Education: 13

3 BOX APT 3618, BRAZORIA TX 77422, BRAZORIA COUNTY (Sep 1998)

Name Associated with Address:

GARY M GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 35

Median Household Income: \$55,341

Median Owner Occupied Home Value: \$76,300

Average Years of Education: 13

3 RT BOX, BRAZORIA TX 77422, BRAZORIA COUNTY (Apr 1998)

Name Associated with Address:

GARY MARTEN GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 35

Median Household Income: \$55,341

Median Owner Occupied Home Value: \$76,300

Average Years of Education: 13

3 ROUTE APT, BRAZORIA TX 77422, BRAZORIA COUNTY (Apr 1995)

Name Associated with Address:

GARY MARTEN GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 35

Median Household Income: \$55,341

Median Owner Occupied Home Value: \$76,300

Average Years of Education: 13

RR 3 BOX 1, BRAZORIA TX 77422-9803, BRAZORIA COUNTY (Oct 1986)

Name Associated with Address:

GARY M GLADFELTER

Neighborhood Profile (2000 Census)

Average Age: 36

Median Household Income: \$45,625

Median Owner Occupied Home Value: \$65,000

Average Years of Education: 12

3 BOX 3618, BRAZORIA TX 77422, BRAZORIA COUNTY

Name Associated with Address:

GARY MARTEN GLADFELTER

548-0428

Neighborhood Profile (2000 Census)

Average Age: 35

Median Household Income: \$55,341

Median Owner Occupied Home Value: \$76,300

Average Years of Education: 13



Phones Plus(s):

Phones Plus 1

Name: GLADFELTER, GARY

Address: 9000 CHAPEL RD, WACO TX 76712-8740

Phone Number: 254-420-4875 - CST

Phone Type: Residential

Carrier: SOUTHWESTERN BELL - (WACO, TX)

Phones Plus 2

Name: GLADFELTER, GARY

Address: 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700

Phone Number: 830-379-2453 - CST

Carrier: SOUTHWESTERN BELL - (SEGUIN, TX)



Possible Criminal Records:

[None Found]



Sexual Offenses:

[None Found]



Driver's License Information:

Name: GARY MARTEN GLADFELTER

DL Number: xxxxxxxx

State: Texas

License Address: 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY

DOB: 10/19/1954

Potential SSN : 454-02-xxxx

Issue Date: 10/31/1972

Data Source: Governmental

Name: GARY M GLADFELTER
DL Number: xxxxxxxx
State: Texas
License Address: 3618 RR 3, BRAZORIA TX 77422, BRAZORIA COUNTY
DOB: 10/19/1954
Potential SSN : 454-02-xxxx
Data Source: Non-Governmental

Name: GARY MARTEN GLADFELTER
DL Number: xxxxxxxx
State: Texas
License Address: RT 3 BOX 3618/CO RD 505, BRAZORIA TX 77422-9527, BRAZORIA COUNTY
DOB: 10/19/1954
Potential SSN : 454-02-xxxx
License Type: Renewal
Data Source: Governmental

Name: GARY MARTEN GLADFELTER
DL Number: xxxxxxxx
State: Texas
License Address: 9696 1 CR 505, BRAZORIA TX 77422, BRAZORIA COUNTY
DOB: 10/19/1954
Potential SSN : 454-02-xxxx
License Type: Adjustment
Data Source: Governmental

Name: GARY MARTEN GLADFELTER
DL Number: xxxxxxxx
State: Texas
License Address: 9696-1 CR 505, BRAZORIA TX 77422-6970, BRAZORIA COUNTY
DOB: 10/19/1954
Potential SSN : 454-02-xxxx
License Type: Renewal
Data Source: Governmental

Name: GARY MARTEN GLADFELTER
DL Number: xxxxxxxx
State: Texas
License Address: 1505 W GRANDE BLVD #1004, TYLER TX 75703-5697, SMITH COUNTY
DOB: 10/19/1954
Potential SSN : 454-02-xxxx
License Type: Duplicate
Data Source: Governmental


Name: GARY MARTEN GLADFELTER
DL Number: xxxxxxxx
State: Texas
License Address: 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY
DOB: 10/19/1954
Potential SSN : 454-02-xxxx
License Type: Duplicate
Data Source: Governmental

Motor Vehicles Registered To Subject:

Vehicle:

Description: 2010 - CAMPING TRAILER
VIN: 4V0TC2621AA010126
State Of Origin: TEXAS

Registrant(s)

Record Type: CURRENT
Name: GARY M GLADFELTER
Potential SSN  : 454-02-xxxx
Address: 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY
DOB: 10/19/1954
Age: 55
Tag Number: 5KR908
Earliest Registration Date: 9/15/2009

Latest Registration Date: 9/15/2009
Expiration Date: 8/31/2010
License Plate Type: Trailer

Vehicle:

Description: 2010 - CAMPING TRAILER
VIN: 4V0TC2621AA010126
State Of Origin: TEXAS

Owner(s)

Name: GARY M GLADFELTER
Potential SSN **1**: 454-02-xxxx
Address: 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY
DOB: 10/19/1954
Age: 55
Title Number: 10525040069141859
Title Issue Date: 9/25/2009

Lien Holder(s)

None

Vehicle:

Description: 2009 Chevrolet Silverado - Crew Pickup
VIN: 3GCEC33019G116813
State Of Origin: TEXAS
Engine: 8 Cylinder 323 Cubic Inch
Anti Lock Brakes: 4 wheel standard
Air Conditioning: Standard
Daytime Running Lights: Standard
Power Steering: Standard
Power Brakes: Standard
Power Windows: Standard
Security System: Active Keyless Entry
Roof: None / not available
Radio: AM/FM CD/MP3
Front Wheel Drive: No
Four Wheel Drive: No
Tilt Wheel: Standard

Registrant(s)

Record Type: CURRENT
Name: GARY M GLADFELTER
Potential SSN **1**: 454-02-xxxx
Address: 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY
DOB: 10/19/1954
Age: 55
Tag Number: 21NWX9
Earliest Registration Date: 2/24/2009
Latest Registration Date: 2/24/2009
Expiration Date: 1/31/2010
License Plate Type: Private

Vehicle:

Description: 2009 Chevrolet Silverado - Crew Pickup
VIN: 3GCEC33019G116813
State Of Origin: TEXAS
Engine: 8 Cylinder 323 Cubic Inch
Anti Lock Brakes: 4 wheel standard
Air Conditioning: Standard
Daytime Running Lights: Standard
Power Steering: Standard
Power Brakes: Standard
Power Windows: Standard
Security System: Active Keyless Entry
Roof: None / not available
Radio: AM/FM CD/MP3

Front Wheel Drive: No
Four Wheel Drive: No
Tilt Wheel: Standard

Owner(s)

Name: GARY M GLADFELTER

Potential SSN ① : 454-02-xxxx

Address: 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY

DOB: 10/19/1954

Age: 55

Title Number: 04600039866134922

Title Issue Date: 3/4/2009

Lien Holder(s)

Record Type: CURRENT

Company Name: SECURITY SERVICE F. C. U.

Address: PO BOX 691510, SAN ANTONIO TX 78269-1510, BEXAR COUNTY

Vehicle:

Description: 2008 Dodge Ram - Crew Pickup

VIN: 1D7HA18238J111553

State Of Origin: TEXAS

Engine: 8 Cylinder 348 Cubic Inch

Anti Lock Brakes: 4 wheel optional

Air Conditioning: Standard

Daytime Running Lights: Optional

Power Steering: Standard

Power Brakes: Standard

Power Windows: Optional

Security System: Sentry Key and Alarm

Roof: None / not available

Radio: AM/FM CD

Front Wheel Drive: No

Four Wheel Drive: No

Tilt Wheel: Standard

Registrant(s)

Record Type: HISTORICAL

Name: GARY M GLADFELTER

Potential SSN ① : 454-02-xxxx

Address: 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY

DOB: 10/19/1954

Age: 55

Tag Number: 90YWW6

Earliest Registration Date: 2/1/2009

Latest Registration Date: 2/1/2009

Expiration Date: 1/31/2010

License Plate Type: Private

Vehicle:

Description: 2008 Dodge Ram - Crew Pickup

VIN: 1D7HA18238J111553

State Of Origin: TEXAS

Engine: 8 Cylinder 348 Cubic Inch

Anti Lock Brakes: 4 wheel optional

Air Conditioning: Standard

Daytime Running Lights: Optional

Power Steering: Standard

Power Brakes: Standard

Power Windows: Optional

Security System: Sentry Key and Alarm

Roof: None / not available

Radio: AM/FM CD

Front Wheel Drive: No

Four Wheel Drive: No

Tilt Wheel: Standard

Owner(s)

Name: GARY M GLADFELTER

Potential SSN : 454-02-xxxx

Address: 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY

DOB: 10/19/1954

Age: 55

Title Number: 01431739489105755

Title Issue Date: 2/29/2008

Lien Holder(s)

Record Type: HISTORICAL

Company Name: DC FIN. SVCS. AMER. LLC

Address: PO BOX 997533, SACRAMENTO CA 95899-7533, SACRAMENTO COUNTY 1



Possible Properties Owned by Subject:

Property:

Parcel Number - 0490-0010-105

Book - 5

Page - 55172

Name Owner : GLADFELTER GARY M

Property Address: - COUNTY ROAD 182 OFFTX

Owner Address: PO BOX 894, SEGUIN TX 78156-0894, GUADALUPE COUNTY

Land Usage - RANCH

Total Market Value - \$98,170

Assessed Value - \$6,380

Land Value - \$98,170

Data Source - B

Property:

Parcel Number - 1G-0467-2000-06600-000

Book - 2626

Page - 604

Name Owner : GLADFELTER GARY

Property Address: - 175 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY

Owner Address: PO BOX 894, SEGUIN TX 78156-0894, GUADALUPE COUNTY

Land Usage - RESIDENTIAL VACANT

Total Market Value - \$16,750

Assessed Value - \$16,750

Land Value - \$16,750

Land Size - 21780 SF

Data Source - B

Property:

Parcel Number - 1G0467-2000-06500-0-00

Book - 2626

Page - 601

Name Owner : GLADFELTER GARY

Property Address: - 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY

Owner Address: PO BOX 894, SEGUIN TX 78156-0894, GUADALUPE COUNTY

Land Usage - SFR

Total Market Value - \$227,743

Assessed Value - \$227,743

Land Value - \$17,500

Improvement Value - \$210,243

Land Size - 21,780 Square Feet

Year Built - 2007

Name of Seller : ARBELAEZ FELIX

Data Source - A

Property:

Parcel Number - 0490-0010-000

Name Owner : GLADFELTER GARY M

Owner Address: PO BOX 894, SEGUIN TX 78156-0894, GUADALUPE COUNTY

Total Market Value - \$32,730

Assessed Value - \$32,730

Land Value - \$32,730

Land Size - 1,425,588 Square Feet

Data Source - A

Property:

Parcel Number - 1G0467-2000-06500-0-00

Book - 2626

Page - 601

Name Owner : GLADFELTER, GARY

Property Address: - 169 CASTLE BREEZE DR, SEGUIN TX 78155-8700, GUADALUPE COUNTY

Owner Address: PO BOX 1516, HEWITT TX 76643-1400, MCLENNAN COUNTY

Sale Date - 05/19/2008

Name of Seller : ARBELAEZ FELIX

Data Source - A

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Beaudette, Pat A.

From: Foringer, Jenn [jforinger@winstead.com]
Sent: Thursday, February 11, 2010 2:11 PM
To: 'Barbara Nann (nann.barbara@epa.gov)'
Cc: Cermak, John F.; Inglin, Sonja A.; Axe, Al
Subject: FW: Consent for Access to Property
Attachments: Consent for Access to Property - final signed.pdf

Dear Barbara,

Jay Roberts of Big Star has signed a Consent for Access to Property. Attached is a copy of the form with his signature.

Please confirm that this form satisfies EPA's requirement for access from Big Star with respect to the initial time critical removal action AOC. We will continue to work with Big Star to obtain access for activities beyond the initial AOC.

Thank you,
 Jenn

Jennifer Tjia Foringer

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701
 512.370.2822 direct | 512.370.2850 fax | jforinger@winstead.com | www.winstead.com

From: RobMarSur@aol.com [mailto:RobMarSur@aol.com]
Sent: Thursday, February 11, 2010 3:58 PM
To: Foringer, Jenn
Subject: Re: Consent for Access to Property

Jenn,

Attached please find the final revision of the 'Consent for Access to Property' with my signature.

Been a pleasure working with you and should you have any additional questions that I might be able to assist with please don't hesitate to get in touch with me.

Jay W. Roberts
 Big Star Barge & Boat Co., Inc.
 2435 Broadway
 Pearland, Tx 77581
 713-254-6007

In a message dated 2/11/2010 3:25:23 P.M. Central Standard Time, jforinger@winstead.com writes:

Jay,

Attached is the final Consent for Access to Property with the changes we discussed earlier today. Please sign and return the form to me at the following address:

Jennifer Foringer
 401 Congress Ave., Ste. 2100

2/15/2010

Austin, Texas 78701

So that we may have a copy of your signature as soon as possible to provide to EPA, please also email or fax me a copy of the form with your signature. My fax number is 512-370-2850, and, as you know, my email is jforinger@winstead.com.

Please let me know if you have any further questions. Thank you very much.

Best regards,
Jenn

Jennifer Tjia Foringer

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701
512.370.2822 *direct* | 512.370.2850 *fax* | jforinger@winstead.com | www.winstead.com

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2/15/2010

CONSENT FOR ACCESS TO PROPERTY

Name: Big Star Barge & Boat Company, Inc.

Location of Properties: The three (3) adjoining pieces of property are located near the intersection of Interstate Highway 10 and the San Jacinto River, east of the City of Houston, and more particularly described on Exhibit A attached hereto and incorporated herein (collectively, the "Properties"). Portions of such Properties have been identified by the United States Environmental Protection Agency ("EPA") as part of the San Jacinto River Waste Pits Site (the "Site") under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA," also referred to as Superfund), 42 U.S.C. § 9601 *et seq.*

Big Star Barge & Boat Company, Inc. consents as follows: (1) to officers, employees, contractors, oversight officials, and authorized representatives of EPA, McGinnes Industrial Maintenance Corporation ("MIMC") and International Paper Company ("International Paper") (MIMC and International Paper are not representatives of EPA with respect to liability associated with activities at the Properties) entering and having continued access to (i) all submerged portions of the Properties, (ii) the strip of land at the Properties located adjacent to Interstate 10 and east of the Texas Department of Transportation gate on East Freeway Service Road, and (iii) the portion of the Properties adjacent to the Virgil C. McGinnes Trust property (i, ii, and iii collectively will be referred to hereinafter as the "Subject Property") for the following purposes:

- a. the installation of fencing and gates as indicated in Exhibit B (attached hereto) to prevent unauthorized entry onto the Site;
- b. the improvement, construction and use of an access road as indicated in Exhibit B;
- c. the construction and use of an equipment lay down and staging area as indicated in Exhibit B;
- d. installation of an Articulated Concrete Block Mat on property contiguous to and west or northwest of the Virgil C. McGinnes Trust property; and
- e. the delineation of those portions of the Subject Property on which the fence, road and equipment lay down and staging area will be located, including the installation of shallow soil borings associated therewith.

(2) to EPA and its authorized representatives having the authority to enter and freely move about the Properties where work, if any, is being performed, for the purposes of inspecting conditions, activities, the results of activities, records, operating logs, and contracts related to the Properties or MIMC and International Paper and their contractor; reviewing the progress of MIMC and International Paper in carrying out any work; conducting tests as EPA or its authorized representatives deem necessary; using a camera, sound recording device or other documentary type equipment; and verifying the

data submitted to EPA by MIMC and International Paper. I realize that these actions by EPA will be undertaken pursuant to its response and enforcement responsibilities under CERCLA.

MIMC and International Paper will require their contractors conducting the work hereunder on the Subject Property to reasonably secure the Subject Property from entry by third parties during such time that the contractors are working on-site. MIMC and International Paper will further require their contractors, each day after their contractors have stopped working, to secure the Subject Property by locking all entry gates in accordance with requirements set forth by Texas Department of Transportation.

MIMC and International Paper will further require their consultants and contractors conducting the work hereunder on the Subject Property to hold the following types and amounts of insurance, at a minimum: (i) commercial general liability insurance (\$1,000,000 per occurrence and \$1,000,000 annual aggregate for bodily injury or death and property damage); (ii) comprehensive automotive liability insurance (\$1,000,000 combined single limit of liability per occurrence for bodily injury or death and property damage); and (iii) errors and omissions insurance, including pollution liability applicable to the work hereunder (\$1,000,000 with respect to claims made against the insured for negligent errors or omissions in the performance of the work hereunder). Upon request, MIMC and International Paper will provide to Owner a certificate of insurance evidencing such coverage.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Big Star Barge & Boat Company, Inc.

By: Jay W. Roberts

Name: JAY W. ROBERTS

Title: PRESIDENT

Date: 2-11-10

EXHIBIT 9

Beaudette, Pat A.

From: Axe, Al [aaxe@winstead.com]
Sent: Tuesday, January 19, 2010 1:18 PM
To: 'robmarsur@aol.com'
Subject: RE: San Jacinto River Site

Jay,

This is to followup and make sure that you received the Exhibit A property deeds from Jenn Foringer last Friday. Also, I hope that the map showing the proposed construction activities (fence and road improvement) that will take place in the near term was helpful to you. Please let me know if you had any problems opening that document.

As we have discussed, EPA is interested in moving forward on some time critical work at the Site within the next couple of weeks. Therefore, we would like to get the access agreement worked out with you soon. We believe we have addressed the concerns you raised in our initial conversation and in your initial email. Please let me know if you have any other questions. Thanks for your assistance in this matter. Al

Albert R. Axe, Jr.
Direct: (512) 370-2806
Fax: (512) 370-2850
profile link: <http://www.winstead.com/Attorneys/aaxe>

From: robmarsur@aol.com [mailto:robmarsur@aol.com]
Sent: Thursday, January 14, 2010 4:21 PM
To: Axe, Al
Subject: Re: San Jacinto River Site

Al,

Yes I received the access agreements but did not receive the "Exhibit A" mentioned in both agreements. By this correspondence I kindly request copy of said exhibit be forwarded to me at your earliest convenience.

Barbara Nann could have not picked a worst week, for my account, to have taken a vacation.

I have reviewed the above referenced agreements and have forwarded said to our Corporate legal counsel and requested his review of said.

Jay

In a message dated 1/14/2010 3:02:28 P.M. Central Standard Time, aaxe@winstead.com writes:

Jay,

This is just to followup to make sure that you received the revised access agreements that I sent you earlier this week. Please let me know if you have any questions. I'd like to visit with you to see if we can get the access issue worked out so that work can begin at the Site in the next couple of weeks. The first thing that we need to do is to construct a fence to prevent

2/15/2010

access to the Site. The contractor has also mentioned a staging area for some of their equipment that would be on Big Star property. I look forward to hearing back from you. Thanks. Al

Albert R. Axe, Jr.

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701
512.370.2806 *direct* | 512.370.2850 *fax* | aaxe@winstead.com | www.winstead.com

profile link: <http://www.winstead.com/Attorneys/aaxe>

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EXHIBIT 10

Beaudette, Pat A.

From: Axe, Al [aaxe@winstead.com]
Sent: Wednesday, January 27, 2010 7:15 AM
To: 'RobMarSur@aol.com'
Cc: 'nann.barbara@epa.gov'; Foringer, Jenn
Subject: RE: Big Star Barge & Boat Co.Inc. Channelview Texas Property Access Agreement

Jay,

How are you?

Could you give me an update on the access agreement? We have obtained approval from the Port of Houston Authority and an agreement in principle (the paperwork is being prepared) from TxDOT on the location of the fence and road adjacent to the Site. If we can get the Big Star approval, the work should be able to begin soon. Thanks for your consideration. Please call if you have any questions. Al

Albert R. Axe, Jr.
Direct: (512) 370-2806
Fax: (512) 370-2850
profile link: <http://www.winstead.com/Attorneys/aaxe>

From: RobMarSur@aol.com [mailto:RobMarSur@aol.com]
Sent: Thursday, December 10, 2009 8:40 PM
To: Axe, Al
Subject: Big Star Barge & Boat Co.Inc. Channelview Texas Property Access Agreement

Mr. Axe

This Email will confirm our phone conversation of today regarding the above. I am in receipt of your CMRRR letter, with attachments, dated 12-7-2009.

As I stated on the phone I am not in a position to sign the 'Access Agreement' as submitted at this time due to the following, but not limited to, concerns:

- 1) Liability Coverage for ALL parties accessing the property.
- 2) Security of the property. For your clarification regarding the 'gates' please see attached photo 014 showing the "West" gate and photo 011 showing the "East" gate.
- 3) Agreement allowing the EPA to enter the property and no signature line on the agreement for said Agency.

The above listed 'concerns' are my own based on initial review of the 'Agreement' and I anticipate having our legal counsel review the original and all future revisions of the Agreement.

Will await your reply,

Jay W. Roberts
Big Star Barge & Boat Co., Inc

2/15/2010

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2/15/2010

EXHIBIT 11

CONSENT FOR ACCESS TO PROPERTY

Name: Big Star Barge & Boat Company, Inc.

Location of Properties: The three (3) adjoining pieces of property are located near the intersection of Interstate Highway 10 and the San Jacinto River, east of the City of Houston, and more particularly described on Exhibit A attached hereto and incorporated herein (collectively, the "Properties"). Portions of such Properties have been identified by the United States Environmental Protection Agency ("EPA") as part of the San Jacinto River Waste Pits Site (the "Site") under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA," also referred to as Superfund), 42 U.S.C. § 9601 *et seq.*

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- a. the installation of fencing and gates as indicated in Exhibit B (attached hereto) to prevent unauthorized entry onto the Site;
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- c. the construction and use of an equipment lay down and staging area as indicated in Exhibit B;
- d. installation of an Articulated Concrete Block Mat on property contiguous to and west or northwest of the Virgil C. McGinnes Trust property; and
- e. the delineation of those portions of the Subject Property on which the fence, road and equipment lay down and staging area will be located, including the installation of shallow soil borings associated therewith.

(2) to EPA and its authorized representatives having the authority to enter and freely move about the Properties where work, if any, is being performed, for the purposes of inspecting conditions, activities, the results of activities, records, operating logs, and contracts related to the Properties or MIMC and International Paper and their contractor; reviewing the progress of MIMC and International Paper in carrying out any work; conducting tests as EPA or its authorized representatives deem necessary; using a camera, sound recording device or other documentary type equipment; and verifying the

data submitted to EPA by MIMC and International Paper. I realize that these actions by EPA will be undertaken pursuant to its response and enforcement responsibilities under CERCLA.

MIMC and International Paper will require their contractors conducting the work hereunder on the Subject Property to reasonably secure the Subject Property from entry by third parties during such time that the contractors are working on-site. MIMC and International Paper will further require their contractors, each day after their contractors have stopped working, to secure the Subject Property by locking all entry gates in accordance with requirements set forth by Texas Department of Transportation.

MIMC and International Paper will further require their consultants and contractors conducting the work hereunder on the Subject Property to hold the following types and amounts of insurance, at a minimum: (i) commercial general liability insurance (\$1,000,000 per occurrence and \$1,000,000 annual aggregate for bodily injury or death and property damage); (ii) comprehensive automotive liability insurance (\$1,000,000 combined single limit of liability per occurrence for bodily injury or death and property damage); and (iii) errors and omissions insurance, including pollution liability applicable to the work hereunder (\$1,000,000 with respect to claims made against the insured for negligent errors or omissions in the performance of the work hereunder). Upon request, MIMC and International Paper will provide to Owner a certificate of insurance evidencing such coverage.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Big Star Barge & Boat Company, Inc.

By: Jay W. Roberts

Name: JAY W. ROBERTS

Title: PRESIDENT

Date: 2-11-10